

ORIGINAL

OPEN MEETING AGENDA ITEM



0000125358

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

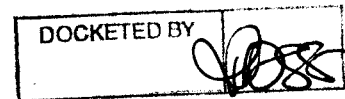
DOCKETED

MAY 19 2011

COMMISSIONERS

GARY PIERCE – Chairman MAY 19 A 8:47
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

DOCKET CONTROL



IN THE MATTER OF THE COMMISSION ON
ITS OWN MOTION INVESTIGATING THE
FAILURE OF TRUXTON CANYON WATER
COMPANY TO COMPLY WITH
COMMISSION RULES AND REGULATIONS.

DOCKET NO. W-02168A-10-0247

STAFF'S NOTICE OF FILING

On May 17, 2011 Staff of the Utilities Division of the Corporation Commission ("Staff") received notice from the Arizona Department of Environmental Quality ("ADEQ") that it had issued an Administrative Notice of Violation ("Administrative NOV") against Truxton Canyon Water Company ("Truxton"). An Administrative NOV puts a company on notice that they have missed a deadline on their Consent Order. Staff hereby provides notice of filing the attached copy of the ADEQ Administrative NOV against Truxton.

RESPECTFULLY SUBMITTED this 19th day of May, 2011.

Kimberly A. Ruht
Charles Hains
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402

Original and thirteen (13) copies
of the foregoing filed this
19th day of May 2011 with:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

1 Copies of the foregoing mailed this
2 19th day of May 2011 to:

3 Mr. B. Marc Neal
4 7313 East Concho Drive, Suite B
5 Kingman, Arizona 86401

6 Mr. Mike Neal
7 7313 East Concho Drive, Suite B
8 Kingman, Arizona 86401

9 Steve Wene
10 Moyes Sellers & Sims
11 1850 North Central Avenue
12 Suite 1100
13 Phoenix, Arizona 85004

14 Valle Vista Property Owners Association, Inc.
15 9686 Concho Drive
16 Kingman, Arizona 86401

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Kayn Christine



Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Henry R. Darwin
Acting Director

CERTIFIED MAIL
May 17, 2011

Return Receipt Requested
Case ID: 125096

Truxton Canyon Water Company
Attention: B. Marc Neal
8163 East Highway 66
Kingman, Arizona 86401

Re: Notice of Violation issued to Truxton Canyon Water Company – Public Water System #08-035

Dear Mr. Neal:

The Arizona Department of Environmental Quality (ADEQ) and Truxton Canyon Water Company (Truxton Canyon) entered into Consent Order DW-02-11 on January 10, 2011. Based on ADEQ records, Truxton Canyon has not fulfilled all requirements associated with the Order. Attached is an Administrative Notice of Violation (NOV) which serves to put Truxton Canyon on notice of the missed deadlines.

The Administrative NOV puts Truxton Canyon on notice that the Department believes a violation of Consent Order DW-02-11 has occurred. It describes the facts known to ADEQ at the time of issuance and cites the requirement that ADEQ believes the party has violated.

The Administrative NOV provides Truxton Canyon an opportunity to do any of the following before ADEQ takes further action: (1) meet with ADEQ and discuss the facts surrounding the violation, (2) demonstrate to ADEQ that no violation has occurred, or (3) document that the violation has been corrected.

Please know that in accordance with Part V (A) of Consent Order DW-02-11, if Truxton Canyon violates the terms of the Order, Truxton Canyon is subject to penalties, pursuant to A.R.S. § 49-354.

Should you have any questions regarding this Notice, or would like to schedule a meeting, please do not hesitate to contact me at (602) 771-4651 or Vivian Burns of my staff at (602) 771-4608.

Sincerely,

Marcia Colquitt, Manager
Water Quality Enforcement Unit

Northern Regional Office
1801 W. Route 66 • Suite 117 • Flagstaff, AZ 86001
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

Truxton Canyon Water Co
Page 2 of 2
May 17, 2011

Cc:

Vivian Burns, Case Manager Water Quality Enforcement Unit
Vivian Adams, ADEQ Drinking Water Section
John (Craig) Beeson, ADEQ - Field Inspector

Mohave County Department of Public Health
Patty Mead, Director
700 W. Beale St.
Kingman, AZ 86401

Steve Olea
Utilities Division
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007-2996



Janice K. Brewer
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street Phoenix, Arizona 85007
(602) 771-2300 www.azdeq.gov



Henry R. Darwin
Director

CERTIFIED MAIL
Return Receipt Requested

Case ID #: 125096

May 17, 2011

Truxton Canyon Water Company Inc
Attention: Marc Neal
7313 E Concho Dr
B
Kingman, AZ 86401-9707

Subject: Truxton Canyon Water Company, Place ID 22548
LAT: 35d, 21', 42.9589" N LNG: 113d, 41', 37.8258" W

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ) has reason to believe that Truxton Canyon Water Company Inc as the owner/operator of Truxton Canyon Water Company has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit/license, administrative order or civil judgment. ADEQ discovered the violations alleged below during a file review completed on May 11, 2011.

I. LEGAL AUTHORITY and NATURE OF ALLEGED VIOLATION(S)

1. Administrative Order DW-02-11 - Section III (H)

Truxton Canyon Water Company (Truxton Canyon) shall conduct an engineering study of the complete water system and submit a report to ADEQ that is signed by a professional engineer registered in the State of Arizona.

Consent Order DW-02-11 between ADEQ and Truxton Canyon became effective January 10, 2011. The Order requires that Truxton Canyon conduct an engineering study of the complete water system and submit a report prepared and signed by a professional engineer registered in the State of Arizona to ADEQ for approval within one hundred twenty (120) calendar days of the effective date of the Order. The due date for the study to be submitted to ADEQ was May 10, 2011. To date, ADEQ has not received a copy of an engineering study conducted at Truxton Canyon as required in Consent Order DW-02-11, Section III (H).

2. Administrative Order DW-02-11 - Section IV (A)

Truxton Canyon shall submit a written status report to ADEQ every thirty (30) days from the effective date of the Consent Order until termination, and shall describe what measures have been taken under Section III.

Consent Order DW-02-11 became effective on January 10, 2011. The Order requires Truxton Canyon to submit a status report to ADEQ every thirty (30) days from the effective date of the Order. The status reports shall describe measures taken under Section III of the Order. To date, ADEQ has not received a status report due to ADEQ by April 10 and May 10, 2011, as required in the Order.

Northern Regional Office
1801 West Route 66 Suite 117 Flagstaff, AZ 86001
(928) 779-0313

Southern Regional Office
400 West Congress Street Suite 433 Tucson, AZ 85701
(520) 628-6733

Printed on recycled paper

II. DOCUMENTING COMPLIANCE

1. Within 10 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or submit to ADEQ a copy of an engineering study of the complete water system prepared and signed by a professional engineer registered in the State of Arizona to ADEQ for approval.
2. Within 10 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or submit to ADEQ status reports for April and May 2011, pursuant to the Order.

III. SUBMITTING COMPLIANCE DOCUMENTATION

Please send all compliance documentation and any other written correspondence regarding this Notice to ADEQ at the following address:

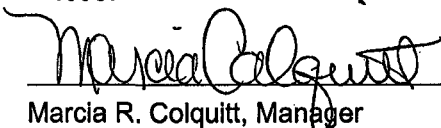
Arizona Department of Environmental Quality, Attention: Vivian J. Burns, Water Quality Compliance Enforcement Unit, 1110 W Washington St, Phoenix, AZ 85007 MC: 5415B-1

IV. STATEMENT OF CONSEQUENCES

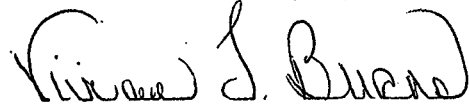
1. The time frames within this Notice for achieving and documenting compliance are firm limits. Failure to achieve or document compliance within the time frames established in this Notice will result in an administrative compliance order or civil action requiring compliance within a reasonable time frame, substantial civil penalties, and/or the suspension or revocation of an applicable permit/license. ADEQ will agree to extend the time frames only in a compliance schedule negotiated in the context of an administrative consent order or civil consent judgment.
2. Achieving compliance does not preclude ADEQ from seeking civil penalties, and/or suspending or revoking an applicable permit/license for the violation(s) alleged in this Notice as allowed by law.

V. OFFER TO MEET

ADEQ is willing to meet regarding this Notice. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact Vivian J. Burns at (602) 771-4608.



Marcia R. Colquitt, Manager
Water Quality Compliance Enforcement Unit



Vivian J. Burns
Water Quality Compliance Enforcement Unit